

REMARKS

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

Summary of the Office Action

The specification filed September 16, 2010 is objected to under 35 U.S.C. § 132(a) because it introduces new matter into disclosure.

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa et al. (US 6,063,527) and in view of XIA et al. ("Soft Lithography." Angew. Chem. Int. Ed., 1998, pp. 550-575) and in further view of Song et al. (US 2001/0019382).

Summary of the Response to the Office Action

Applicant has amended the Specification and the claims to address the Examiner's concerns. No new matter has been added. Also, Applicant respectfully submits that the Section 103 rejection is improper and therefore should be withdrawn. Accordingly, claims 1-20 remain pending for further consideration.

Objection to the Specification

The specification filed September 16, 2010 is objected to under 35 U.S.C. § 132(a) because it introduces new matter into disclosure. Applicant has amended the specification in view of the Examiner's comments set forth in Section 1 of the Final Office Action. Accordingly, Applicant respectfully requests the objection to the specification be withdrawn.

Rejection under 35 U.S.C. 112, Second Paragraph

Claims 1-20 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Since Applicant has amended the claim in view of the Examiner's comments set forth in Section 3 of the Final Office Action to address the Examiner's concerns, Applicant respectfully requests that the rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

All Claims Define Allowable Subject Matter

Claims 1-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nishikawa, XIA and Song. Applicant respectfully traverses these rejections for at least the following reasons.

Each of independent claims 1 and 11 recites a method of forming a color filter layer including, in part, "... the first sub-color filter used as one sidewall of the second channel and the second mold used as the other sidewall of the second channel while injecting the second color resin," and "... the second sub-color filter used as one sidewall of the third channel and the third mold used as the other sidewall of the third channel while injecting the third color resin."

Independent claim 16 recites a method of fabricating a color filter substrate for a liquid crystal display device including, in part, "... the first sub-color filter used as one sidewall of the second channel and the second mold used as the other sidewall of the second channel while injecting the second color resin," and "... the second sub-color filter used as one sidewall of the third channel and the third mold used as the other sidewall of the third channel while injecting the third color resin."

The Final Office Action concedes on Page 7 that "Modified NISHIKAWA et al. by XIA et al. is silent to the first and second color filters being used as a sidewall for the next color filters," but alleges that "SONG et al. teach that liquid crystal display devices are made of red, green, and blue color filters that are arranged in a stripe shape as illustrated in Figure 5 (Page 3, [0040])." Applicant respectfully disagrees.

Applicant respectfully notes that none of the applied references teaches or discloses the feature of "the first sub-color filter used as one sidewall of the second channel and the second mold used as the other sidewall of the second channel while injecting the second color resin." (Emphasis Added). Applicant respectfully submits that Song cannot remedy the deficiencies of Nishikawa and XIA because Song is completely silent about the feature of "the first sub-color filter used as one sidewall ... while injecting the second color resin." In fact, in Song, each of sub-color filters is formed by patterning the resin using the photolithograph process as illustrated in FIGs. 6A and 6B and as further described in [0043], and then are merely arranged in a stripe shape as shown in FIG. 5. In other words, Song discloses a totally different process from the claimed invention.

Moreover, the Final Office Action concedes on Page 7 that “Modified NISHIKAWA et al. by XIA et al. is silent to the second and third mold used as the other sidewalls of the channels,” but simply states in 2nd paragraph of Page 7 that “NISHIKAWA et al. modified by XIA et al. teach the micromolding in capillaries for the technology of microfabrication to provide a convenient and inexpensive method to pattern small or large surfaces of substrates and that it would be have been obvious to one of ordinary skill in the art to use the said PDMS mold three times or use three PDMS molds in order to form three different sub-color filters with three different color resins, as required by NISHIKAWA et al. to produce the said stripe shape of SONG et al. where the sidewalls of each color-filters are touching.” Applicant respectfully disagrees.

First, as noted above, Applicant respectfully submits that the sub-color filters in a stripe shape of SONG et al. are formed by a photolithograph process, which is totally different from the process claimed by each of independent claims 1, 11 and 16. Second, as pointed out in MPEP [2142], “[t]he key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of reason(s) why the claimed invention would have been obvious,” and “rejection on obviousness cannot be sustained with mere conclusory statement; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” In re Kahn, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). Applicant respectfully submits that the Final Office Action lacks the clear articulation of reasons why the features of “the second sub-color filter used as one sidewall of the third channel and the third mold used as the other sidewall of the third channel while injecting the third color resin” are obvious. MPEP [2142] further points out that “[k]nowledge of applicant’s disclosure must be put aside in

reaching this determination, ... impermissible hindsight must be avoided and the legal conclusion must be reached on the basis of the facts gleaned from the prior art.” Thus, Applicant respectfully requests that the Office provide the factual supporting for its determination.

Accordingly, for at least the reasons set forth above, Applicant respectfully submits that Hishikawa, XIA and Song, whether taken individually or in combination, fail to teach or disclose the above claimed features in each of independent claims 1, 11 and 16, and therefore Applicant respectfully asserts that the Final Office Action fails to establish a *prima facie* case of obviousness with regard to independent claims 1, 11 and 16. In other words, Applicant respectfully submits that independent claims 1, 11 and 16, and their dependent claims 2-10, 12-15 and 17-20, are allowable over the cited references.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration of the remarks to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: /Xiaobin You/
Xiaobin You
Reg. No. 62,510

Dated: January 24, 2011

Customer Number: 009629
MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington, DC 20004
Tel. 202-739-3000
Fax - 202-739-3001